



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

PRICE DANIEL

ATTORNEY GENERAL

March 29, 1950

Hon. L. D. Ransom

Administrator

Texas Real Estate Commission

Austin, Texas

Opinion No. V-1020.

Re: The legality of issuing a real estate dealer's license to an out-of-state resident who is licensed in a state which requires applicants to take an examination.

Dear Mr. Ransom:

Your request for an opinion reads as follows:

"We desire the opinion of your office as to whether the Texas Real Estate Commission can issue a license to an out-of-state resident under Article 6573a, as amended by Senate Bill No. 28, Section 7(b), when said resident's state requires an examination in order to qualify as a broker in that state.

"A typical case is this: This office recently received an application for renewal of a real estate dealer's license, together with the proper fee of \$10.00, from one Leon Block of 110 S. Dearborn Street, Chicago 3, Illinois. Said applicant has previously held a Texas real estate dealer's license under the interpretation given to Article 6573a, Section 7(b), by prior administrators.

"This Commission is of the opinion that said Leon Block is not entitled to a Texas license and has refused to issue same. This Commission is of the further opinion that the Real Estate License Law of the State of Illinois requires an examination of its licensees and that, therefore, the legal requirements of said state have not for their purpose the same standards proposed by Article 6573a, as amended. Due to the great number of licenses

issued to residents of Illinois by prior administrators and the persistent correspondence from said Leon Block, demanding that he be issued a license, we would like a clear interpretation of Section 7(b).

"It is our opinion that this is not the same question as that involved in Section 7(c) of Article 6573a, as amended, authorizing the Texas Real Estate Commission to issue non-resident licenses to out-of-state applicants whose state allows reciprocity to this State.

"It is to be noted that Leon Block is ready and willing to file with the Commission a Consent to Service, as required by Section 7(d).

"Question: May this office issue to said Leon Block a real estate dealer's license for the year 1950?"

We shall confine this opinion to the single question of law indicated in the third paragraph of your letter which involves Section 7(b) of Article 6573a, Vernon's Civil Statutes, which provides:

"A non-resident of this State may be licensed as a real estate dealer or salesman provided such non-resident is at the time licensed under the laws of the State where he resides and which said State has legal requirements which have for their purpose the standards proposed in this Act; provided, however, that such non-resident must procure from the agency administering such law in such State, a certificate recognizing and approving the reliability and standing of such non-resident in such other State, and file same with the Commission."  
(Emphasis supplied)

We do not construe the underlined provision as pertaining to the specific requirements of applicants for a license. Particular requirements such as an examination, educational attainments, numbers of character references, and the like, do not necessarily render the "purposes" of the Illinois law different from the "purposes" of the Texas

Act, nor the "standards" sought to be effected in the real estate business different from the "standards" sought to be effected by the Texas Act. The "standards" of the Texas Act there referred to are general standards of honesty and competency sought to be effected by requiring applicants to present various data attesting their "honesty, truthfulness, integrity and competency" so that the Commission may pass upon "the good business repute" of each applicant and the prospect that "the business will be conducted in an honest, fair, just and equitable manner." See Sections 6, 8 and 9(a), Article 6573a.

An examination requirement would seem to be designed for more perfect attainment of those purposes. We cannot conceive of any other purpose for such a requirement, and you have not indicated that the Illinois law seeks to attain any end at variance with the Texas law.

You are, therefore, advised that an examination requirement of the Illinois law does not, by reason of such requirement alone, change the purposes and standards of the Illinois law from those of the Texas Act and thereby render a resident of Illinois ineligible for a Texas license because of the provisions of Section 7(b).

SUMMARY

The "purpose and standards proposed" by the Texas Real Estate Dealers License Act, referred to in Section 7(b), Article 6573a, V.C.S., means the general purpose to effect honest and competent dealings in the real estate business. An examination requirement by the Illinois license law does not render its purposes and standards different from the Texas Act so as to render an Illinois licensee ineligible for a Texas license under Section 7(b), Article 6573a.

Yours very truly,

PRICE DANIEL  
Attorney General

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